

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Jane Doe,
Plaintiff

v.

Mark A. Gipson,
Defendant

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Case No. 1:23-cv-00463-RP

AMENDED ORDER ON JURY SELECTION

By referral of the District Court pursuant to 28 U.S.C. § 636 (Dkt. 221), jury selection will proceed before this Magistrate Judge at **9:30 a.m. on Monday, April 21, 2025**, in Courtroom 4 on the Fifth Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas, according to the plan below. Counsel must appear to address any requested changes to the jury selection plan, or any other issues concerning jury selection, at **9 a.m. on Monday, April 21, 2025**.

Proposed Jury Selection Plan

I. Welcome

- A. Venire seated in gallery of Judge Pitman's courtroom
- B. Explanation of purpose of voir dire examination
- C. Initial instructions

II. General Questions (with follow-up questions as needed)

- A. Anticipated trial length: Undue hardship/special problem?

B. Statement of Facts:

This case involves four claims filed by Ms. An against Mr. Gipson. The first two allege that Mr. Gipson violated federal and Texas laws by unlawfully publishing intimate photos of her online. Mr. Gipson denies these claims and contends there was an agreement to publish the photos. Ms. An's third claim accuses Mr. Gipson of intentional infliction of emotional distress based on this and other alleged conduct. Last, Ms. An alleges Mr. Gipson violated Texas law by creating an Instagram page impersonating her. Mr. Gipson denies any impersonation. Ms. An seeks damages for these claims. Mr. Gipson denies all claims.

- C. Counsel, client, and witness introductions: Do you or any immediate family member know any of them? Have you been employed by, heard or read anything, or formed an opinion about them?
- D. Do you have any knowledge of other panel members or the courthouse judges and staff?
- E. Do you know anything about this case? Is there anything about the description that causes you to believe you could not judge this case fairly, with an open mind?
- F. Do you have any interest in the outcome of this litigation?
- G. Have you had any prior jury service?
- H. Have you or any member of your immediate family ever participated in a lawsuit as a party, witness, or in any other capacity?
- I. Do you have any legal training, education, or work experience?
- J. Instructions on evidence and law: Are you able and willing to render a verdict solely on the evidence presented at the trial in the context of the law?
- K. Instruction on burden of proof in civil cases: Are you able to require plaintiffs to prove their case by a preponderance of the evidence and not hold them to a greater or lesser standard of proof?

III. Specific Questions Requested by Counsel (with follow-up questions as needed)

- A. Have you ever followed or interacted with social media accounts of models or influencers?
- B. Have you formed any strong opinions – positive or negative – about online dating?
- C. Have you or anyone close to you ever been a victim of online impersonation?

IV. Questions from Plaintiff's Counsel (20 minutes)

V. Questions from Defendant's Counsel (20 minutes)

VI. Final Questions by the Court, including any matter for the Court's attention

VII. Recess

- A. Jurors are excused
- B. Attorneys may exercise challenges for cause and peremptory challenges
- C. Seven jurors are selected

VIII. Jurors Return to Courtroom

- A. Stricken jurors are excused
- B. Jury is sworn and preliminary instructions are provided

SIGNED on April 17, 2025.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE